

II. DRAWING AMENDMENT

With respect to the sheet of drawing presenting Figs 1, 2 and 6, a first replacement sheet has already been filed. Please replace the first replacement sheet with a second replacement sheet of drawing (identified as Second Replacement Sheet) enclosed herewith. The second replacement sheet includes corrections previously provided by the first replacement sheet and, furthermore, includes additional amendment to Fig. 6, namely, an extra block 617 to demonstrate a claimed feature of bypassing a link adaptation process. A corresponding amendment to the specification is provided to meet the examiner's requirement, in Point 2 of the Office Action, that the claimed feature must be shown in the drawing.

V. REMARKS

In the Office Action, correction of the drawings was required as set forth in Point 2 of the Action. A replacement sheet of drawing is provided with a block 617, identified as "ADAPT" in Fig. 6, in order to meet the requirements of the examiner.

Objection was made to claims 1, 3-5, 8-12 (Point 3 Of the Office Action), this objection being overcome by amendment of the claims to clarify the points raised by the examiner.

Claims 1, 3, 4, 7, 9, 10, 12 and 13 were rejected under 35 U.S.C. 103 as being unpatentable over Molinari (US 6308065) in view of DeJaco (US 6205130) and the reference 3GPP2 S.R0014 v.1 Tandem Free Operation (3GPP2), and claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Molinari in view of DeJaco, 3GPP2, and Su (US 6493665) for reasons set forth in the Action.

Allowable subject matter has been noted in claims 5, 6 and 11.

The following argument is presented to overcome the rejections under 35 U.S.C. 103, and to show the presence of allowable subject matter in the rejected claims.

A new reference 3GPP2 is combined with previously applied references in the rejections under 25 U.S.C 103. The reference 3GPP2 is cited by the examiner to disclose a link adaptation process. Apparently, the examiner is interpreting the term "link adaptation process" to include anything that affects how a communication channel treats a signal propagating through the channel, such as the vocoder of 3GPP2.

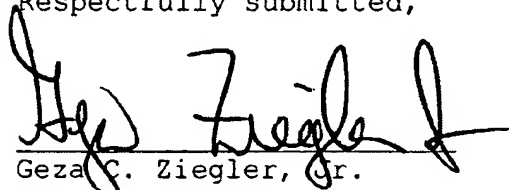
The present specification (page 8 at lines 3-6) describes the link adaptation process by stating that the link adaptation process bears responsibility for measuring the channel quality. Then, depending on the channel quality and possibly other constraints imposed by the communications network, mode adaptation selects the optimal speech and channel codecs. This is implemented (lines 8-11) by sending a Mode Command as an inband signal, along with the speech data.

The foregoing teaching of the specification does not appear in the discussion of the vocoder in 3GPP2. In order to emphasize this distinction between the inventive feature of bypassing the link adaptation process of the decoder, as set forth in the present claims, the independent claims 1, 9 and 12 are amended to provide a description of the link adaptation process. The amendatory passage, in each of the independent claims, states that the link adaptation process measures channel quality for selection of a channel codec in the telecommunication system. This clearly is not what is being described by 3GPP2. Accordingly, the present amendment is believed to distinguish the present invention from the combined teachings of the cited references, thereby to overcome the rejections under 35 U.S.C. 103 and to show the presence of allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$120.00 for a one-month extension of time, and for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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5 July 2006
Date

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I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 the date indicated below, addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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